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IPHORGAN, LTD.
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MAR 17 2008

OFFICE OF PETITIONS

In re Application of :
Kun-Hee Suh. :
Application No. 10/733,770 :
Filed: December 12, 2003 : DECISION ON PETITION
Attorney Docket No. SUH 0019 US : UNDER 37 C.F.R. § 1.181(A)
Title: METHOD OF FORMING :
BUILDING MATERIALS MOSTLY :
CONSISTING OF MAGNESIUM OXIDE :

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on January 25, 2008.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R § 1.113 in a timely manner to the final Office action mailed June 26, 2007, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 C.F.R § 1.136(a) were obtained, and no responses were received. Accordingly, the above-identified application became abandoned on September 27, 2007. A notice of abandonment was mailed on January 23, 2008.

With this petition, Petitioner has asserted that a response was timely filed on December 17, 2007 along with a three-month extension of time, however Petitioner placed the wrong serial number on these submissions - the Request for Continued Examination (RCE), the petition for an extension of time, and the amendment each bears the serial number 10/773,770. Petitioner is reminded that errors such as occurred can result in loss of rights and care must be taken to avoid such.

The electronic file has been reviewed, and a copy of this response has been located in the same. The RCE, the petition for an extension of time, and the amendment have been moved into the electronic file that is associated with this application. The relevant fees will be associated with the proper application in due course.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Power of Attorney and Correspondence Address Indication has been entered and made of record.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment filed on December 17, 2007 - can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/733,770	12/12/2003	Kun-Hee Suh	7337

39196
SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 KING STREET
SUITE 600
ALEXANDRIA, VA 22314

CONFIRMATION NO. 8737
POWER OF ATTORNEY NOTICE



Date Mailed: 03/17/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/pashanoski/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/733,770	12/12/2003	Kun-Hee Suh	7337

67339
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CONFIRMATION NO. 8737
POA ACCEPTANCE LETTER



Date Mailed: 03/17/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/17/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/pashanoski/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199